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Attorneys for Plaintiff
MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

COAST NETWORKS, INC. aka DK
SYSTEMS, a California corporation; and
CORBY BRASSET, an individual,

Defendants.

Case No. 09CV 4840 MHP

STIPULATED PERMANENT INJUNCTION;
~~[PROPOSED]~~ ORDER

Hon. Marilyn Hall Patel

Plaintiff Microsoft Corporation ("Microsoft"), and Defendants Coast Networks, Inc. aka DK Systems and Corby Brasset ("Defendants"), hereby stipulate that Defendants, along with their agents, servants, employees, representatives, successors and assigns, and all those persons or entities acting in concert or participation with him, shall be and hereby are **PERMANENTLY ENJOINED** and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULAs"), Certificate of Authenticity ("COAs") or items protected by Microsoft's registered trademarks and

1 service mark, including, but not limited to, the following Trademark and/or Service Mark

2 Registration Numbers:

- 3 (1) 1,200,236 ("MICROSOFT");
- 4 (2) 1,256,083 ("MICROSOFT");
- 5 (3) 1,872,264 ("WINDOWS");
- 6 (4) 2,744,843 (COLORED FLAG DESIGN);
- 7 (5) 1,475,795 ("POWERPOINT");
- 8 (6) 1,741,086 ("MICROSOFT ACCESS");
- 9 (7) 2,188,125 ("OUTLOOK");
- 10 (8) 2,999,281 (COLOR FOUR SQUARE LOGO);

11 or the software programs, components, EULAs, COAs, items or things protected by the following

12 Certificate of Copyright Registration Numbers:

- 13 (1) TX 5-407-055 ("Windows XP Professional");
- 14 (2) TX 5-837-617 ("Office Professional 2003");
- 15 (3) TX 5-837-636 ("Office Excel 2003");
- 16 (4) TX 5-900-087 ("Office Outlook 2003");
- 17 (5) TX 5-852-649 ("Office PowerPoint 2003");
- 18 (6) TX 5-837-618 ("Publisher 2003");
- 19 (7) TX 5-900-088 ("Office Word 2003");
- 20 (8) TX 5-877-513 ("Business Contact Manager for Outlook
- 21 2003");
- 22 (9) TX 5-901-713 ("Access 2003");

23 or any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

24 (b) manufacturing, assembling, producing, distributing, offering for
25 distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying
26 any software program, component, EULA, COA, item or thing bearing any simulation,
27 reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks
28

1 or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos.
 2 listed in Paragraph (a) above;

3 (c) using any simulation, reproduction, counterfeit, copy, or colorable
 4 imitation of Microsoft's registered trademarks or service mark including, but not limited to, the
 5 Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with
 6 the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement,
 7 promotion, or display of any software, component, EULA, COA, item or thing not authorized or
 8 licensed by Microsoft;

9 (d) using any false designation of origin or false description which can or is
 10 likely to lead the trade or public or individuals erroneously to believe that any software,
 11 component, EULA, COA, item, or thing has been manufactured, produced, distributed, offered
 12 for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by
 13 or for Microsoft, when such is not true in fact;

14 (e) using the names, logos, or other variations thereof any of Microsoft's
 15 copyright and/or trademark-protected software programs in any of Defendant's trade or corporate
 16 names;


17 (f) engaging in any other activity constituting an illegal distribution of any
 18 Microsoft software, component, EULA, COA, item, or thing and/or constituting an infringement
 19 of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or
 20 right to use or to exploit these trademarks, service mark, and/or copyrights, or constituting any
 21 dilution of Microsoft's name, reputation, or goodwill; and

22 (g) assisting, aiding, or abetting any other person or business entity in
 23 engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

24 **IT IS SO STIPULATED.**

25 DATED: September 13, 2010

COAST NETWORKS, INC. aka DK
 SYSTEMS a California corporation

26
 27 
 28 By: Corby Brasnet

1 DATED: September 13, 2010

CORBY BRASSET, an individual

2
3 By: Corby Brasset

4 DATED: September 29, 2010

MICROSOFT CORPORATION, a Washington corporation

5
6
7 By:

8 Approved as to form:

9 DATED: September 30, 2010

PERKINS COIE LLP

10 By: Katherine M. Dugdale
11 Attorneys for Plaintiff
12 MICROSOFT CORPORATION

13 DATED: September 28, 2010

PERRY, JOHNSON, ANDERSON,
MILLER & MOSKOWITZ LLP

14 By: Scott A. Lewis
15 Attorneys for Defendants
16 COAST NETWORKS, INC. aka DK
17 SYSTEMS and CORBY BRASSET
18

19
20 **ORDER**

21 Good Cause appearing therefore, IT IS ORDERED that Defendants Coast Networks, Inc.
22 aka DK Systems and Corby Brasset ("Defendants"), along with their agents, servants, employees,
23 representatives, successors and assigns, and all those persons or entities acting in concert or
24 participation with him, shall be and hereby are **PERMANENTLY ENJOINED** and restrained
25 from:

26 (a) imitating, copying, or making any other infringing use or infringing
27 distribution of software programs, components, end user license agreements ("EULAs"),
28 Certificate of Authenticity ("COAs") or items protected by Microsoft's registered trademarks and

1 service mark, including, but not limited to, the following Trademark and/or Service Mark

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- 4 (2) 1,256,083 ("MICROSOFT");
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- 19 (7) TX 5-900-088 ("Office Word 2003");
- 20 (8) TX 5-877-513 ("Business Contact Manager for Outlook
- 21 2003");
- 22 (9) TX 5-901-713 ("Access 2003");

23 or any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

24 (b) manufacturing, assembling, producing, distributing, offering for
25 distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying
26 any software program, component, EULA, COA, item or thing bearing any simulation,
27 reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks
28

or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, COA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, COA, item, or thing has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof any of Microsoft's copyright and/or trademark-protected software programs in any of Defendant's trade or corporate names;

(f) engaging in any other activity constituting an illegal distribution of any Microsoft software, component, EULA, COA, item, or thing and/or constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights, or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

IT IS SO ORDERED.

DATED: 10/1/2010

